



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEARY & ASSOCIATES
3900 NEW PARK MALL RD.
THIRD FLOOR, SUITE 317
NEWARK CA 94560

COPY MAILED
JAN 19 2010

In re Application of :
Ronald K. Yamamoto et al :
Application No. 09/735,408 : DECISION ON PETITION
Filed: December 11, 2000 :
Attorney Docket No. ISC9901U :

This is a decision on the petition, filed October 5, 2009, which is being treated as a petition under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

The petition under 37 CFR 1.181(a) is **GRANTED**.

The application was held abandoned for failure to timely reply to the Notice of Non-Compliant Amendment (Notice) mailed June 4, 2009. A Notice of Abandonment was mailed on August 4, 2009.

Petitioner states that, "A Notice of Non-Compliant Amendment was mailed on June 4, 2009. Since the Applicant's response was non-final, the time period for reply to the Notice should have been extendable under 1.136(a). This option to extend the deadline the deadline was also noted by the Examiner on Page 3, Paragraph 6 of the Notice of Non-Compliant Amendment."

Office records indicates that a reply in the form of divisional Application No. 12/587,375 and a request for a three month extension of time was filed on October 5, 2009.

In view of the above, the holding of abandonment is hereby withdrawn. The petition fee submitted with the petition filed October 5, 2009 will be refunded in due course.

This application is again abandoned in view of petitioner's statement that the reply to the Notice mailed June 4, 2009, was the filing of a (continuing) divisional application (12/587,375) on October 5, 2009).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 3763.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions